

# Exhibit A3

OIS: [REDACTED]

STATEMENT OF [REDACTED]  
DATE: APRIL 7, 2016

POLICE INCIDENT REPORT NO: OIS [REDACTED]

Q: The investigator-

MOBLEY: I'm Jonathan Mobley. How ya doin'?

A: Yeah.

Q: Okay?

Q: Alright.

Q: What time is it Carl?

Q: It's 1300 hours.

Q: Okay. And this is regarding Incident [REDACTED] And  
it's April 7<sup>th</sup>?

Q: Yes.

Q: Okay. So [REDACTED] -

A: Yes.

Q: Can I get your last name?

A: Yeah, [REDACTED], [REDACTED].

Q: Okay. And your birthday?

A: It's [REDACTED].

Q: Okay. Phone number?

A: [REDACTED] [REDACTED]. That's my phone, not my work-

Q: Okay.

A: Phone, so.

Q: Okay. And who do you work for?

A: Technically [REDACTED] but it's the San Francisco Homeless  
Outreach Team.

Q: [REDACTED]. What does that stand for?

1 A: It stands for [REDACTED], I  
2 believe.

3 Q: Okay.

4 A: That's who we're on- we have the contract with the City.

5 Q: Okay. And then you mentioned the HOT Team. That's the  
6 Homeless Outreach Team?

7 A: Exactly.

8 Q: Okay. Do you have an e-mail address?

9 A: Yeah. It's just my first name dot last name @  
10 [REDACTED], so yeah, just [REDACTED]

11 Q: That's [REDACTED] huh?

12 A: [REDACTED], yeah.

13 Q: I missed it. And-

14 Q: At what, [REDACTED]?

15 A: Yes.

16 Q: [REDACTED]?

17 A: Yeah, [REDACTED].

18 Q: [REDACTED].

19 Q: [REDACTED]. Okay. How long have you been workin' in  
20 this capacity?

21 A: About five months, [REDACTED] was my start day.

22 Q: Okay. [REDACTED] [REDACTED] [REDACTED]

23 A: [REDACTED], yeah.

24 Q: Okay. And we talked to [REDACTED], obviously, a little bit  
25 about what brought you guys onto Shotwell Street.

26 A: Right.

27 Q: So let's just pick it up from once you do get to  
28 Shotwell Street. What- you know, you and [REDACTED] get out there at

1 about what time?

2 A: It had to be a little after 9:00-

3 Q: Okay.

4 A: Probably, like. Yeah, it was probably-

5 Q: Okay.

6 A: Might even have been a little before that. It's kinda-

7 Q: Okay.

8 A: But, you know, around- between 8:30 and nine o'clock.

9 Q: Okay. And when you got there, just can you describe  
10 what happened?

11 A: Mm-hmm. Well, the individual who ended up being  
12 involved in the incident was, pretty much, the first person I saw  
13 'cause he was out there with a basketball, just kind of kickin'  
14 it, I mean, basically, like, playin' soccer with it but it, you  
15 know- much like a six-year-old would, just kinda bouncin' it off  
16 the wall and it's, like, hittin' cars and-

17 Q: Mm-hmm.

18 A: It's just kind of oblivious to, you know, what would  
19 the- what the basketball would be doing to people's cars and  
20 things of that nature, so that's the first thing I noticed.

21 Q: Could you describe the color of clothing that he had or  
22 anything?

23 A: Yeah. He had kind of reddish, either, you know, very  
24 reddish-orange or just a red shirt-

25 Q: Mm-hmm.

26 A: Blue jeans-

27 Q: Okay.

28 A: Yeah, kinda faded blue jeans-

1 Q: Okay.

2 A: Yeah.

3 Q: So you see this guy kickin' a basketball around. It's-

4 A: Mm-hmm.

5 Q: Hittin' cars and you just-

6 A: Right.

7 Q: You just- it caught your eye.

8 A: Exactly. I mean, that, you know- just in my command, I  
9 actually- for a moment I thought about saying hey, you know, you  
10 know, probably shouldn't do that 'cause, you know, that's gonna  
11 get you- you know, the cops are gonna get called on you but, you  
12 know, that's a, you know, big, red flag to-

13 Q: Mm-hmm.

14 A: Anybody workin' around there. You know what I mean?  
15 You hit my car with a basketball, I'm probably gonna be pretty  
16 pissed, so I, you know, understandably- but then he kinda went up  
17 the street and was doin' his own thing, so I was just goin',  
18 like, okay. Kinda stopped, so.

19 Q: Okay.

20 A: Yeah.

21 Q: Okay. So as you kinda lose track of him- I understand  
22 that you're engaged with [REDACTED], doin' your, you know, your  
23 outreach services.

24 A: Right.

25 Q: And what did that entail this mornin'?

26 A: Well, we had heard from another co-worker that someone  
27 in one of those tents had a- possibly had a newborn baby living  
28 in the tent with them. So that was the one thing we were comin'

1 out to check on was whether or not that was true and, you know,  
2 what we could, you know, assist them with 'cause, obviously, you  
3 know, living in a tent on the street is not a environment to have  
4 a baby of any capacity but-

5 Q: Mm-hmm.

6 A: Especially not a newborn. So that turned out to be  
7 false, as far as we could find, and so-

8 Q: Okay.

9 A: We just spoke to a couple of the people, you know, in  
10 the tents there about that, one of which was- is [REDACTED]  
11 [REDACTED]. So we were, you know, tryin' to- she had an  
12 appointment we were letting-

13 Q: Mm-hmm.

14 A: Her know about and things of that nature.

15 Q: Do you happen to know her name off hand? Do you  
16 remember it?

17 A: I don't. It was somebody- [REDACTED] knew her-

18 Q: Okay.

19 A: From another co-worker of ours- 'cause this technically  
20 it's not our district. We're gonna be- we're District 6, so it's  
21 basically TL, South of Market Area.

22 Q: Mm-hmm.

23 A: We were doing this as a favor to the Mission Team, which  
24 had a bunch of other stuff to do today.

25 Q: Okay. And, now, this gal that's [REDACTED],  
26 was she with anybody else?

27 A: Oh yeah. She had, I believe, was two other people in  
28 the tent with her. I could not see. I know it was a man and I



1 | believe it was another female but they did not come out. We were  
2 | just kinda talkin' to her through, like, a hole in the tent,  
3 | basically.

4 | Q: Okay.

5 | A: So.

6 | Q: And once you were finished engagin' with these  
7 | individuals in the tent, you established that really there was no  
8 | baby, no newborn-

9 | A: Yeah.

10 | Q: Baby around? Okay.

11 | A: Exactly.

12 | Q: And then you were just gonna decide to leave the area?

13 | A: Yup.

14 | Q: Okay.

15 | A: So we went back to the car. My partner, you know, [REDACTED]  
16 | was gonna smoke a cigarette, so we're just kinda standing there.  
17 | And that individual that I'd seen previous had-

18 | Q: The red shirt guy?

19 | A: The red shirt guy had walked back to what I guess was-  
20 | mighta been his tent, I don't know, but he was kinda standing  
21 | around. And that's when, you know, [REDACTED] s standing kinda with  
22 | her car door open, I'm standing on the passenger side, and we saw  
23 | him with a large, you know, kitchen-type knife.

24 | Q: Mm-hmm.

25 | A: And he's just kinda standing there with it in his hand,  
26 | you know, kinda swingin' it around, you know, you know, kinda  
27 | chopping motion kind of stuff.

28 | Q: Mm-hmm.

1 A: And she actually- she, you know, told me, like, oh, he's  
2 got a knife. And I kinda looked and I'm takin' note of it. Mind  
3 you, we were across the street, so, you know, I know, you know,  
4 if we have to we can just jump in the car and take off but-

5 Q: Mm-hmm.

6 A: You know, definitely keeping an eye on him. And so  
7 we're watchin' what he's doin'. He's just kind of walkin' around  
8 in circles and looked to be, I don't know, kind of- I wouldn't  
9 say out of it but not- either under the influence of something  
10 or, you know, maybe under some psychosis of some sort or-

11 Q: Mm-hmm.

12 A: A combination of both. Didn't look to be all there-

13 Q: Mm-hmm.

14 A: You know, just- and so we're just kinda watchin' him.  
15 And so we get in the car and I'm just keepin' an eye on him and  
16 she goes uhh- you know, we're just kind of hmm, I don't know.  
17 And I, you know- [REDACTED] [REDACTED]

18 Q: Mm-hmm.

19 A: And so I'm just goin' you know what? We should- we  
20 gotta let somebody know-

21 Q: Okay.

22 A: That this is goin' on. So she called non-emergency, was  
23 on non-emergency for a few minutes, didn't get a hold of  
24 somebody. I said you know what? Just call 911. You know? They  
25 can triage it as they see fit.

26 Q: Mm-hmm.

27 A: You know? So she called 911. That's when he kinda  
28 walked up the block. So while she was on the phone, I just kinda



1 walked up the block a little bit. I'm across the street, so I  
2 just took a peek and noticed he was, you know, sittin' with his  
3 back up against the wall.

4 Q: Mm-hmm.

5 A: Walked back to the car and just let her know yeah, he's  
6 right up there. And-

7 Q: Did you see the knife in his hand the whole time or?

8 A: Oh yeah, mm-hmm.

9 Q: Okay.

10 A: Yeah, he kept-

11 Q: And then you're holdin'- you're, like, motioning your  
12 right hand. Would you say the knife was in his right hand?

13 A: It was in his right hand.

14 Q: Okay.

15 A: Mm-hmm. And I go back to the car and I told her, you  
16 know, he's still up there. He's just kinda posted up the street.  
17 And that's when one officer in a- I think it was, like, a  
18 Explorer-

19 Q: Mm-hmm.

20 A: Suddenly pulled up. She said yeah, we're the ones who  
21 called. He went and- but, you know, he went down to the corner.  
22 She didn't really wanna be scene interacting too much 'cause, you  
23 know, to them, it- you know, to clients, at least, it looks like,  
24 you know, we're kind of rattin' them out. You know? It's- it  
25 kinda destroys their relationship, then they're far less prone to  
26 interact with us or give us information if, you know- even though  
27 we're not-

28 Q: Yeah, the dynamic. You're there to service them, not to

1 call the cops on 'em.

2 A: Right, exactly.

3 Q: Yeah.

4 A: So she says, you know, come on. Let's go. And so we  
5 get in the car. We pull up the street. I'm kinda lookin' at the  
6 guy and the, you know, PD's comin' up the street but real slow.  
7 You know? They're all the way at the end. So I got out and just  
8 kinda flagged him down and just pointed, like-

9 Q: Mm-hmm.

10 A: You know, this is where he is. Right? And I had my,  
11 you know, HOT Team hat on. So they pull up. I just kinda point  
12 and then I get out- or I get back in the car but we're just kinda  
13 sitting there. And so I was, like, well, let's just see what  
14 happens 'cause we're here. You know? We might as well. You  
15 know? We're advocates. We might as well be-

16 Q: Mm-hmm.

17 A: You know, witness as well. I saw the, I believe it was,  
18 three officers, two of which were on the sidewalk, one of which  
19 was on the street, I believe. It's kind of- it's a little hazy  
20 at this point but it's okay- one of which- the one, if I'm  
21 facing- I'm lookin' through the back window of the car at this  
22 point.

23 Q: You're inside the car.

24 A: Yes but I'm in the passenger seat but I'm facin', you  
25 know, straight at him.

26 Q: Now, if you're in the passenger sheet, we're you-

27 A: Mm-hmm.

28 Q: Turned to your left lookin' out the back or were you

1 turned to your right lookin' out the back?

2 A: No. I was kind of- at this point', 'cause I had gotten  
3 out and I got back in, I'm kind of on my knees, so I'm, like- I'm  
4 not turned around. I'm just facing that way.

5 Q: So you're- okay. So you're on your knees in the seat-

6 A: Mm-hmm.

7 Q: Lookin' back?

8 A: Exactly.

9 Q: Okay.

10 A: You know, one officer has the shotgun, you know, the  
11 orange shotgun with the beanbag in it. The other one, you know-  
12 but he's- it's not slung but he's, you know- it's not drawn on  
13 him at this point. So I'm watchin' him approach. I could-  
14 unfortunately, I closed the door, so I couldn't hear-

15 Q: Mm-hmm.

16 A: Any- but I saw his mouth movin' before he, you know,  
17 drew on the guy, so I knew he was saying somethin'. I don't know  
18 what but I know he was saying somethin', so. So they both point  
19 their firearms at the individual, as does the officer in the  
20 street. I heard him rack the shotgun.

21 Q: Mm-hmm.

22 A: And, you know, a little- couple of seconds went by and  
23 then that's when he fired the beanbag the first time. I believe  
24 he fired three times. I know-

25 Q: Okay.

26 A: It was at least two-

27 Q: Mm-hmm.

28 A: Prior to the officer on his right- and this is when the

1 individual got up and ran towards the officers with the knife in  
2 his hand still. He didn't drop the knife until he was down.

3 Q: Okay.

4 A: 'cause he kinda ran towards them. The officer with the  
5 shotgun fired two times. I saw the beanbags hit him and kinda  
6 bounce off. And-

7 Q: Okay. When you saw him, what part of his body did they  
8 hit?

9 A: I believe they hit him either abdomen or chest. I just  
10 literally saw it as it kinda came off of him, so I couldn't  
11 really accurately tell where but-

12 Q: Mm-hmm.

13 A: It seemed to hit him in the torso.

14 Q: Okay.

15 A: I saw that. He was kinda running towards the officers  
16 and had the knife in his hand 'cause he was kind of, you know-

17 Q: Mm-hmm.

18 A: Flailing about as he was kind of running towards them.  
19 And that's when the officer, with his sidearm drawn, discharged  
20 his firearm, as well as the officer. And the individual kinda  
21 kept going and then spun around and fell onto his back but he,  
22 like I said, he had the knife in his hand the entire time.

23 Q: Okay.

24 A: And that was that.

25 Q: Okay. So when you're on your knees lookin' out the back  
26 of the car-

27 A: Mm-hmm.

28 Q: You see the officer with the- you described it as an

1 orange shotgun with beanbag in it.

2 A: Right.

3 Q: What experience do you have to know that? Did somebody  
4 tell you that or?

5 A: Well, no. [REDACTED] [REDACTED] I have a lot of  
6 experience with-

7 Q: Okay.

8 A: Firearms, so I tend to know what- when the non-lethal  
9 rounds are being used-

10 Q: Okay.

11 A: And that's, you know, painted that way.

12 Q: When you saw that officer with the orange shotgun, you  
13 described focusing on him. You know? It wasn't drawn. It  
14 wasn't slung. Could you also see the guy in the red t-shirt?

15 A: I could not, at that point. He was- there was kind of a  
16 car- like, the very back end of the car covering the individual  
17 who was- 'cause he was-

18 Q: Yeah.

19 A: Still sittin' down at this point.

20 Q: Okay. And-

21 A: And since I wasn't standing, I couldn't see. I could  
22 see him when I was standing up but when I had sat down, I-

23 Q: Okay.

24 A: It was kind of just barely covering him but I saw when  
25 he got up and-

26 Q: Okay.

27 A: Came straight at him.

28 Q: Okay. Would you be able to determine- you mentioned

1 seconds-

2 A: Mm-hmm.

3 Q: Of the officer engaging with this individual.

4 A: Mm-hmm.

5 Q: To your- when you- are you pretty good at estimating  
6 time? I mean, it was all pretty exciting.

7 A: Or it was pretty- I mean, it was quick but at the same  
8 time, I would say between once he had it, you know, once he had  
9 kinda drew a bead on him, maybe- let me try to calculate it my  
10 head real quick- between that and actually firing it, had to be  
11 maybe 10, 12 seconds at that point.

12 Q: 10 to 12 seconds seems like a long time.

13 A: It seems like a long time. Right. Exactly.

14 Q: I mean, would you- that's-

15 A: It was probably, like, you know, drop the knives, you  
16 know, yada yada yada-

17 Q: Mm-hmm.

18 A: And then that's when he, you know-

19 Q: Discharged.

20 A: Discharged.

21 Q: Okay.

22 A: And then he ran towards him and I, I mean, I know I  
23 heard him discharge it at least twice.

24 Q: Now, the- you know, I don't wanna create an image in  
25 your head at all but at the point of the orange shotgun bein'  
26 discharged, would you say that the individual was still seated?

27 A: At that point, it's hard to say. I would not believe  
28 so. I think he was probably in the process of getting up and



1 moving towards them.

2 Q: Okay.

3 Q: Well-

4 A: I know.

5 Q: What did you see (unintelligible) that-

6 A: I didn't actually see him until he was up-

7 Q: Yeah.

8 A: And coming at him.

9 Q: And then that's what I was sayin', so the-

10 A: Right.

11 Q: I just wanna make that distinction that- the  
12 speculation- but you didn't see him get it.

13 A: I didn't see him-

14 Q: Okay.

15 A: Get it. I saw him once he was up and, you know-

16 Q: Goin', yeah.

17 A: Goin' towards-

18 Q: When he started chargin' and so forth.

19 A: Right. (Unintelligible)-

20 Q: Yeah. So obviously he did get up in that sequence,  
21 which you didn't see-

22 A: Right.

23 Q: Initially, and I-

24 A: Yeah.

25 Q: Just wanted to make that clear.

26 A: At that point I couldn't see, just 'cause of the back  
27 end of the car, but once he was, you know, waist high, getting  
28 up-

1 Q: Yeah.  
2 A: That's when I could see him.  
3 Q: Okay. It came into view.  
4 A: Exactly.  
5 Q: Okay.  
6 Q: And you mentioned that the knife was still in his hand.-  
7 A: Yes.  
8 Q: Is that correct? And you-  
9 A: Mm-hmm.  
10 Q: Saw that?  
11 A: Yes.  
12 Q: Okay.  
13 A: I saw- when he was being fired upon, he had it in his  
14 hand. As he kinda spun around and hit the ground, he still had  
15 it in his hand.  
16 Q: Okay. So keepin' that- the frame of mind, the distance  
17 in play from where you were: you're in the car on your knees,  
18 lookin' outta the back of the window, [REDACTED] in the driver's  
19 seat-  
20 A: Mm-hmm.  
21 Q: How far away would you- do you- can you estimate how far  
22 away you were?  
23 A: Probably 30, 40 feet-  
24 Q: Okay.  
25 A: Maybe.  
26 Q: And what makes you think that? Are you referencing  
27 objects out in the street? Like, with-  
28 A: (Unintelligible).

1 Q: [REDACTED], I referenced car lengths.

2 A: Mm-hmm. So from where they were- I mean, I used to do  
3 construction, so I-

4 Q: Mm-hmm.

5 A: I do it by, you know, like, a measuring tape- but I  
6 would say three, four car lengths, at least-

7 Q: Three or four car lengths?'

8 A: But, you know, I'm pretty good judge of distance. I  
9 would say about 30 feet-

10 Q: Okay.

11 A: Maybe, you know, somewhere between 30 and 40, I would  
12 say.

13 Q: Okay. And you been workin' the HOT Reach since

14 [REDACTED]-

15 A: Mm-hmm.

16 Q: HOT Team since [REDACTED]. Have you called the police  
17 before, in the course of your-

18 A: No.

19 Q: Duties or anything of that?

20 A: Not that I remember, no. No, I've never called 911.

21 Q: Mm-hmm.

22 A: I don't- I'm not sure if I ever called non-emergency  
23 before. I think I might have but it's nothing that I can really-  
24 nothing that sticks out in my mind.

25 Q: Okay. And then you mentioned that this guy was not  
26 altogether there.

27 A: Just seemed altered. You know?

28 Q: And your experience, you mentioned you're an EMT?

1 A: Yeah.

2 Q: Okay. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q: Have you dealt with drug recognition, mental health-

11 A: Absolutely.

12 Q: Issues?

13 A: Mm-hmm.

14 Q: And you're currently up to date in all your training-

15 A: Yup.

16 Q: In that regard?

17 A: Mm-hmm.

18 Q: Okay.

19 A: There was a lot of 5150s. I've, you know, especially my  
20 father, I've known- or not- you know, been trained, as it were,  
21 just by him instructin' me on, you know, drug abuse, things to  
22 look for, you know, the way people act, the way they move. I've  
23 also known a lot of people that have either dabbled in it or, you  
24 know, were on drugs at some point, so-

25 Q: Mm-hmm.

26 A: You know, there's a lotta signs you can definitely tell-

27 Q: So you-

28 A: That they've been or-

1 Q: So you know the distinction between somebody who's  
2 altered and mentally distressed versus somebody who's maybe under  
3 the influence?

4 A: Only if I interacted with 'em. It's hard to say from  
5 that-

6 Q: From that distance.

7 A: From being that far away.

8 Q: Yeah, exactly.

9 A: It just seemed like, you know-

10 Q: Somethin' was wrong.

11 A: Somethin' was off.

12 Q: Yeah.

13 A: It could have been either one-

14 Q: Okay.

15 A: But it was definitely not the kind of behavior of  
16 somebody who had all their faculties, as far as I could-

17 Q: I just- I'll be real short and I don't wanna reinvent  
18 the wheel. Just the sequence of events, you mentioned three  
19 officers. I'm still tryin' to get a gauge, in terms of where he  
20 was in the sequence of events. And if it would better represent-  
21 if you wanna draw it on-

22 A: Mm-hmm.

23 Q: In terms of placement and everything else because- and I  
24 don't wanna put words in your mouth. You say you see the  
25 deployment of the shotgun-

26 A: Mm-hmm.

27 Q: Which we call the RIW-

28 A: That was the first thing I-

1 Q: A minimum of two shots.

2 A: Mm-hmm.

3 Q: And then- and this is- is this before or after he starts  
4 chargin' towards the officers?

5 A: This is kind of during. I believe he fired once, and  
6 that's when he-

7 Q: He jumped.

8 A: Came at 'em. He just-

9 Q: He- you saw him come back into view-

10 A: Exactly.

11 Q: And he's chargin'. Now-

12 A: And then they was, like, boom, boom, and then that's  
13 when the other officers discharged their firearms.

14 Q: And when he's doing that, do you see the knife in his  
15 hand-

16 A: Yes.

17 Q: When he's charging?

18 A: Yeah.

19 Q: And how is he holding it?

20 A: Just right here, you know, kinda-, you know, if this was  
21 the blade, he's just-

22 Q: Okay. So-

23 A: Yeah, like you would be if you were, you know, kinda  
24 cutting a steak or something. You know?

25 Q: So you're makin' a gesture. You're sayin' with your  
26 right hand at waist-

27 A: Right.

28 Q: Length and he's-



1 A: Mm-hmm.  
2 Q: Holding it out in front of him-  
3 A: But  
4 Q: Towards the officers?  
5 A: Right but in, you know, kind of a running motion-  
6 Q: Okay.  
7 A: You know, kinda bringing it from your waist to your  
8 shoulder kind of length, you know, but not running, kinda  
9 flailing-  
10 Q: Okay.  
11 A: You know, kinda just-  
12 Q: Okay.  
13 A: Real loose.  
14 Q: But towards the officers?  
15 A: Yes.  
16 Q: And then you hear that and then you hear the volley of  
17 shots.  
18 A: Yes.  
19 Q: Okay. Now-  
20 A: I'm watchin'. You know, I could see the show, yeah.  
21 Q: Did you see the- when you- and you say you have some  
22 background in firearms and so forth. Is there a distinct  
23 difference between the first initial shots and a volley of shots  
24 that you believe to be firearms?  
25 A: Absolutely.  
26 Q: Okay. So one is louder than the other?  
27 A: Mm-hmm.  
28 Q: And how many of the firearm shots do you think you hear?

1 A: I heard distinctly at least five.

2 Q: Okay.

3 A: I'm not sure after 'cause, you know, at that point it's-

4 Q: And are you looking directly at that officer when he's  
5 firin'?

6 A: Yes.

7 Q: So there's no doubt who's firing at that time?

8 A: Yes.

9 Q: Now, the third officer that you said was in the middle  
10 of the street, what is he doing?

11 A: 'cause- honestly, I- he was kind of peripheral,  
12 peripheral- excuse me- because I was focused mainly on the two on  
13 the sidewalk-

14 Q: Right, right.

15 A: So those were who I was paying most attention to because  
16 that's where, you know, the individual was running towards, you  
17 know, so I was really just focused on them.

18 Q: And we're get- and this is just, you know, your  
19 guesstimation, based on from you-

20 A: Mm-hmm.

21 Q: When you say 30, 40 feet away. What is the distance you  
22 think you- the closest distance with the subject that we're  
23 talkin' about (was wearin' a red shirt) between any officer at  
24 any time?

25 A: Just upon my estimation from where I was-

26 Q: Uh-huh.

27 A: I would say maybe six feet. You know? That would be  
28 my- 'cause, like I said, 'cause it's kind of- it's hard to really

1 judge that accurately but- 'cause I'm looking kind of at both of  
2 'em. You know? One's facing me, one of 'em is, you know- he's  
3 got his side towards me but I would, if I had to put that down on  
4 paper, I'd say six, six to eight feet, probably more like six  
5 feet.

6 Q: And you're familiar with that area, that-

7 A: Mm-hmm.

8 Q: Block, the 400 block of-

9 Q: Shotwell. Right.

10 A: Shotwell.

11 Q: Shotwell. I wanna say-

12 A: Yeah.

13 Q: Folsom. I don't know why.

14 A: Right.

15 Q: Shotwell.

16 A: Yes.

17 Q: And so I- what I did was draw between the two streets,  
18 18<sup>th</sup> and 19<sup>th</sup>. I got that right, the orientation? 19<sup>th</sup> going-

19 A: Mm-hmm.

20 Q: Southbound, yeah.

21 Q: Okay.

22 Q: This is 400 block, so they would be on the-

23 A: They would be east.

24 Q: East side of the street.

25 A: Exactly.

26 Q: This would be east side of the street. Could you-

27 A: So-

28 Q: Circle- could you use identifiers? Circle-

1 A: Mm-hmm.

2 Q: Where you think- and this is not to scale but in  
3 reference to this block-

4 A: Right.

5 Q: Where- and this is the sidewalk. Well, let me draw a  
6 sidewalk for you right here. Show me where you think the subject  
7 with the red shirt was standin'.

8 A: Okay. So if this is the end of the street, we were  
9 parked about here, yeah. And, like you said, it's not to scale,  
10 so- and they would be- so the individual with the red shirt would  
11 have been sitting about right here. And then-

12 Q: Okay.

13 A: When he was fired upon was about right there and the  
14 officer was right there.

15 Q: So- and you're usin' the same-

16 A: Yeah, they-

17 Q: Symbol, so-

18 A: Oh.

19 Q: Could you put a-

20 A: Sorry.

21 Q: P by police officer-

22 A: Yes.

23 Q: By-

24 A: And then the other police officer was right there.

25 There was a, you know, kind of a- there was a vehicle right here.

26 Like I said, we were- we weren't parked. We were double parked.

27 There was a car, you know- there was a vehicle here and a vehicle  
28 here. And so we were still in the street.

1 Q: And you weren't lookin' at a angle this way?

2 A: And we were lookin'- I was looking this way but there  
3 was nothing obstructing me. I mean, I- I mean, it was-

4 Q: Mm-hmm.

5 A: Right in the back window.

6 Q: So this right here is the subject. Right? I'll put-

7 A: Yes.

8 Q: S for subject right there.

9 A: Right. That's when he was sitting down and that's where  
10 he fell.

11 Q: And you- here it indicates that the officers are  
12 standing on a sidewalk.

13 A: Yes.

14 Q: Were they all on the sidewalk? No one's out in the  
15 street?

16 A: No. I believe that the other officer was here.

17 Q: Okay but the other-

18 A: Like I said, there was a car here, so they couldn't, all  
19 three of 'em-

20 Q: Right.

21 A: Be on the sidewalk.

22 Q: Okay. And so-

23 A: So this one had the shotgun. This one had his sidearm.

24 Q: Okay. And you lost sight of the third officer-

25 A: Right.

26 Q: But the last-

27 A: It was kinda-

28 Q: Time you saw him, he was in the street?

1 A: Yes.  
2 Q: So you- so if he fired, you wouldn'ta saw it?  
3 A: Right.  
4 Q: Okay.  
5 A: I wouldn't.  
6 Q: So when that volley is shot, you heard, is there a  
7 possibility that he coulda shot too?  
8 A: Exactly.  
9 Q: Okay. Alright.  
10 A: Yeah. I was- like I said, I was payin' attention to  
11 those two guys more than anything.  
12 Q: Okay. So the direction of the car, as you're sitting in  
13 it, is this the front of the car-  
14 A: Yes.  
15 Q: Or the back of the car?  
16 A: Yup, this is the-  
17 Q: Just draw an.  
18 A: Yeah.  
19 Q: Arrow.  
20 A: This- yeah, that's-  
21 Q: So you're goin' that way.  
22 A: Goin' that direction, yup.  
23 Q: So you're seated-  
24 A: So I'm on the passenger-  
25 Q: In the passenger seat-  
26 A: I was right here.  
27 Q: On your knees-  
28 A: Yup.



1 Q: And you're looking in-  
2 A: I mean, this is more of an extreme angle than it was.  
3 Q: Yeah, yeah, and it's not to scale and everything else-  
4 A: Right.  
5 Q: And so forth.  
6 A: I mean, they were square in that back-  
7 Q: Yeah.  
8 A: Window. There was-  
9 Q: Yeah.  
10 A: No- nothin' blocking.  
11 Q: And that blue tent that you first talked about was in  
12 this general area?  
13 A: The blue tent-  
14 Q: If you can put a square where you think it was 'cause  
15 this-  
16 A: Right.  
17 Q: Is the sidewalk and-  
18 A: 'cause we were further down- so that blue tent we first  
19 made contact with was about right there.  
20 Q: Okay. Alright.  
21 A: So it was much further down. He was past- like, there's  
22 a whole encampment. It goes from about here to here. There was  
23 one more tent about right here and he was past that.  
24 Q: And if you could- if you had to make a good judgment,  
25 who do you believe he was charging at directly? Was it the  
26 officer with the shotgun that had the orange tip or-  
27 A: No.  
28 Q: Was it the officer with the handgun?

1 A: It was the officer with the handgun.

2 Q: Okay.

3 A: That's what it looked like to me at that point, you  
4 know, 'cause he didn't- 'cause if he had charged at him, he would  
5 have gotten up and kind of gone directly to his right, as opposed  
6 to going kinda forward and to the right.

7 Q: Right. You have any?

8 Q: We're good.

9 Q: Yeah.

10 Q: (Unintelligible) him?

11 MOBLEY: So when you were on your knees looking back- and  
12 when you said the view was unobstructed. Right?

13 A: Mm-hmm.

14 MOBLEY: Was the door closed?

15 A: Yes. At that point I had- because we were going to  
16 leave-

17 MOBLEY: Uh-huh.

18 A: And I said, you know, let's just see what goes on, so-  
19 'cause Angie kinda wanted to take off but I wanted to kind of-  
20 well, in a stupid sort of way I just kinda be a witness, I guess.

21 MOBLEY: So you also said that the officers appeared to be  
22 mouthing instructions or is that something that you-

23 A: No. I was-

24 MOBLEY: Anticipate from what occurred?

25 A: 'cause I was looking at them and I could see him saying  
26 something. I just couldn't make out what it was.

27 MOBLEY: So after you're thinking that they mouthed these  
28 instructions to the suspect there-

1 A: Mm-hmm 'cause he was looking-

2 MOBLEY: (Unintelligible).

3 A: He was looking at where the individual was. He wasn't-  
4 it didn't look like he was talking to his partner and it looked  
5 like he was enunciating, you know, a-

6 MOBLEY: Okay. And you couldn't see the suspect at that  
7 time.

8 A: Not at all.

9 MOBLEY: You're still- right.

10 A: Maybe his head but I was more focused on what the  
11 officers were doing at that point.

12 Q: And you couldn't see anyone else at that time. You only  
13 saw the officers and the said subject but no-

14 A: Right.

15 Q: Other pedestrians in the area?

16 A: No, not that I know of, no.

17 MOBLEY: And-

18 A: And there were two individuals- when I got outta the car  
19 and was pointing at where the suspect was, there were two  
20 individuals kinda to my right but they kinda walked off as I got  
21 back in the car.

22 MOBLEY: So at the beginning of this shooting, you only saw  
23 one officer that you hand signaled to show where the-

24 A: Right.

25 MOBLEY: Individual was?

26 A: There was one in a- I think it's a Crown Victoria but he  
27 was comin' up the street. He had another- there was another  
28 squad car or, you know, Explorer or somethin' right behind him

1 and they were kind of, you know, as a caravan. And that's when  
2 they- 'cause I kind of flagged him down. I was, like, he's right  
3 here. And-

4 MOBLEY: Came up.

5 A: Came up together and parked, one behind the other, I  
6 believe.

7 MOBLEY: Okay. And are those the same- is that the same  
8 officer involved in the shooting?

9 A: Yes.

10 MOBLEY: So at no other time- you only saw these three  
11 particular officers that you can remember?

12 A: That I can recall, yes.

13 MOBLEY: Okay.

14 Q: Just have him sign the picture and-

15 Q: Yeah, yeah. Just- could you just sign-

16 A: Yeah.

17 Q: The- sign? Anywhere on there is fine.

18 A: Okay.

19 MOBLEY: I wanna go back to one more question.

20 A: Mm-hmm.

21 MOBLEY: So when the- the officer with the orange-tipped  
22 shotgun and he was mouthing off the instructions, did you see any  
23 movement? The individual come up at all?

24 A: Not that I know of- but, like I said, 'cause he had the-  
25 you know, he had it, you know, in his hand. I was more paying  
26 attention to what his actions were. I didn't really look-

27 MOBLEY: Mm-hmm.

28 A: Back to the right. I was just, you know, kinda, like,

1 oh good, what's goin' on? And then, you know, obviously  
2 everything else happened right after that.

3 MOBLEY: That's all I have.

4 Q: Okay.

5 Q: Approximate time is 1326 hours. This concludes this  
6 interview. END OF INTERVIEW.

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GEORGE  
GASCÓN  
DISTRICT  
ATTORNEY

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